

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**BOBBIE DAMILANO and  
GAIL BRUMBACK,**

**Plaintiffs,**

**vs.**

**CECIL LAWRENCE,INC., d/b/a  
BURNINGTREE MEMORIAL  
GARDENS, and GINGER LANE,**

**Defendants.**

**Case No. CV 08-TMP-96-NE**

**ORDER ADOPTING AND ACCEPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The magistrate judge filed his report and recommendation concerning defendant Ginger Lane's motion to dismiss on May 14, 2008, recommending that the motion be granted in part and denied in part. As of this date, no party has filed objections to the report and recommendation. Having now carefully reviewed the entire record in this case, including the report and recommendation, the court finds that the report is due to be, and it hereby is, ADOPTED, and the recommendation is ACCEPTED.

Accordingly, it is hereby ORDERED and ADJUDGED that the motion to dismiss is DENIED as to the outrage claim asserted by plaintiffs, Bobby Damilano and Gail Brumback, and DENIED with respect to the breach of contract claim

asserted by plaintiff Gail Brumback in Count II of the complaint. It is further ORDERED, that the motion is due to be, and hereby is GRANTED, with respect to the breach of contract claim in Count I and with respect to plaintiff Bobby Damilano's breach of contract claim in Count II, both of which are DISMISSED with prejudice.

This cause is again referred to the magistrate judge for further proceedings.

DONE this 25th day of June, 2008.

  
\_\_\_\_\_  
United States District Judge